HIGH COURT OF CHHATTISGARH AT BILASPUR

"Second Appeal" **No.195/2007**

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

APPELLANT PLAINTIFF

Banshidhar, S/o Gurwaro, aged about 50 years, resident of Village Mungjhar, Tahsil-Devbhog, District Raipur (C.G.)

VERSUS

Respondents

1. Jaimini @ Ratni aged about 50 years, wife of Narsingh, resident of Village Mungjhar, Tahsil-Devbhog, District Raipur (C.G.)
2. State of Chhattisgarh, through Collector, Raipur, District Raipur, (C.G.)
3. Sub-Divisional Officer (Revenue), Gariyabandh, District Raipur (C.G.)

SECOND APPEAL UNDER SECTION 100 OF CIVIL PROCEDURE CODE, 1908

Present :
Shri Mahendra Dubey, counsel for the appellant.
Shri Akhil Agrawal, Panel Lawyer for the State.

ORAL ORDER
(Passed on 13th day of June, 2007)

Heard.

(2) The appellant is aggrieved by the judgment and decree dated 29-03-2007 passed by the Additional District Judge, Gariyabandh, District Raipur in Civil Appeal No.22-A/2006 dismissing the appeal against the judgment and decree dated 21-06-2006 passed by the Civil Judge Class-I, Gariyabandh, District Raipur in Civil Suit No.26-A/2004 whereby the plaintiff's suit, was dismissed.

(3) Having heard learned counsel for the appellant and considering that a concurrent finding of fact has been recorded by both the courts below that Jaimini is the daughter of Bhikari and entitled to succeed to his property, I am of the considered opinion that no substantial question of law is involved in this second appeal.

(4) In the result, this second appeal is dismissed at the stage of admission. No order as to costs.

(26)

(5) In view of above, I.A. No.01 which is an application under Order-41 Rule 5 of C.P.C. also stands dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane